

ONEIDA COUNTY BOARD OF ADJUSTMENT – PUBLIC HEARING
OCTOBER 17, 2017

Chairman Harland Lee called the meeting to order at 1:00 PM in accordance with the Wisconsin Open Meeting Law.

Roll call of Board members present: John Bloom, “here”; Guy Hansen, “here”; Norris Ross, “here”; Phil Albert, “here”; and Harland Lee, “here”.

Members absent: Ed Hammer

County staff members present: Pete Wegner, Assistant Zoning Director and Julie Petraitis, Program Assistant

Other individuals present: See Sign in Sheet.

Chairman Harland Lee stated that the meeting will be held in accordance with Wisconsin open meeting law and will be tape-recorded and sworn testimony will be transcribed. The Board of Adjustment asks that only one person speak at a time because of the difficulty in transcribing when several people are talking at once. The Board of Adjustment is made up of five regular members and two alternates, one alternate being present today, who will take part in the hearing and the deliberation. Anyone wishing to testify must identify themselves by name, address, and interest in the appeal and shall be placed under oath.

Chairman Harland Lee stated that the Board will hear testimony from the appellant/agent first and then the opposition. Following that, the appellant and opposition will have an opportunity for rebuttal and then closing statements. The public hearing will then be closed from further testimony. Consideration and additional questions can be asked by the Board members of the appellant or the opposition during deliberations. You may stay for the disposition of the appeal. Upon conclusion of the deliberation of the Board, the Chair will call for a motion and a second, and a roll call vote will be taken for the decision of the Board.

Chairman Harland Lee swore in Pete Wegner and Richard Ferguson.

Secretary Phil Albert read the notice of public hearing for Appeal No.17-005, of Richard Ferguson, owner, to appeal the denial to build a 30 x 40 foot garage with attached 10 x 40 lean-to less than 75’ from the ordinary high water mark of Marion Lake. These activities are contrary to the Oneida County Zoning and Shoreland Protection Ordinance, as amended July 15, 2016. The property is located at 8500 Rolling Bear Trail, further described as part Gov’t Lot 6, Section 11, T39N, R6E, PIN MI 1721-12, Town of Minocqua, Oneida County, Wisconsin.

The Notice of Public Hearing was published in the Northwoods River News on October 3 and October 10, 2017. Mr. Albert provided the proof of publication; and noted that the media was properly notified.

The Oneida County Board of Adjustment Rules of Procedure, Section 178.05(12), Chapter 17, Oneida County Code of Ordinance, provide that a timely appeal shall stay all proceedings and furtherance of the action appealed from, unless such stay would cause imminent peril to life or property.

The Board of Adjustment will conduct an onsite inspection of the property involved in this appeal beginning at approximately 10:00 am prior to the hearing. Pertinent property boundaries and locations of existing and proposed structures shall be clearly identified. A representative or the appellant must be present. The inspection shall be open to the public.

Copies of appeals and related documents are available for public inspection during normal business hours at the Planning and Zoning Office, Oneida County Courthouse, Rhinelander, WI 54501. The Oneida County Zoning and Shoreland Protection Ordinance is available on the Internet at <http://www.co.oneida.wi.gov/>.

Secretary Albert stated that all media outlets were notified of the public hearing and the onsite inspection was conducted at approximately 10:10 am to 10:40 am on October 17, 2017. Richard Ferguson, owner, was present at the site along with all Board members except Ed Hammer and Zoning Staff, Diann Koshuta.

Observations by the Board: The property boundaries were adequately marked; the highway/road right-of-way were marked; the well and sanitary facilities were located. A sandpoint well was located in the basement and was noted. The proposed construction was adequately marked and additional measurements were taken to confirm the measurements provided in the appeal for the 1200 square foot, 30 x 40 garage and 10' lean to. Some of the measurements were addressed but it was noted that there was extremely high water in terms of the high water mark. The distance to the septic and drainfield were acknowledged. The topography for the site is a forested area and yellow stakes marked the proposed construction. It was noted that the property is well maintained with lawn and forested yard. There are a number of existing structures on the building site including a house, boathouse, trailer pad and a paved driveway, which was extremely long. There were a couple questions/observations that were noted. One thing was the extremely high watermark of Marion Lake, there was a question in terms of the driveway to the proposed garage and how that would play into the appeal, and lastly, whether there would be a cement pad as part of the lean-to. That concludes the observations and the issues raised at the site visit.

SWORN TESTIMONY-APPELLANT.

Mr. Ferguson began his testimony by stating that he only has what he has to work with. He cannot get 75' from the water. He is willing to put in more trees on the North side, if he is able to put the building up, to camouflage it from the lake. On the East side, there are wetlands and that is where he is the closest. He cannot do much there unless he would eliminate the lean-to. He would like to pave the lean-to area if he puts one on. Mr. Ferguson stated that nobody sees the property. There is no traffic on the lake. He feels he does have a hardship because he has no place to put anything. He does have a two-stall garage, but he has two vehicles, which does not leave a lot of room for anything else.

Pete Wegner testified that one could argue that there is not a physical property limitation because he already has buildings on the site. There may be one now with the addition of the proposed structure. There is an existing two-stall garage, a boathouse so he kind of has reasonable use already. The County would argue that he has had reasonable use since 2010, when the house was built. As far as the storage of some of those items, there is a small area that would be available somewhere in this area (looking at the map) along the driveway. The other possibility would be something in this area (looking at the map) but it would have to be a smaller size. If the Board were to grant a variance it would be nice to have it reduced in size, move the location to the South so it is closer to the septic and with the reduction in size an elimination of the lean-to he would be at least 35' from the lakebed on the East side. The only other thing, if the variance is granted, he could remove the asphalt where the trailer is.

Motion by Phil Albert, second by Norris Ross to construct a 24 x 36 structure, 70 feet from the West and North boundaries, 40 feet from the East boundary and a minimum of 10 feet to the septic tank. There will not be a non-permeable driveway to the structure and the dimensions should include the entire footprint. With all members voting "aye" on roll call vote, the motion carried.

Motion by Harland Lee, second by Guy Hansen to extend the writing of the decision to October 24, 2017. With all members present voting "aye", the motion carried.

1:45 pm - The meeting was adjourned on a motion by Phil Albert and second by Norris Ross; and all members voting aye.

Harland Lee, Chairman

Phil Albert, Secretary